

CHILD SUPPORT ENFORCEMENT

This pamphlet was prepared to answer frequently asked questions about Child Support Enforcement against military personnel. It will tell you how to locate a military member, the methods involved in collecting pay from a military member for child support, and the agencies that may assist you in this process.

FINDING THE MILITARY MEMBER

1. The first method involves calling the local recruiter. He may be able to provide the member's duty station if he/she enlisted locally within a year or so.
2. Nearly every installation has a central locator office for assigned personnel. Once you discover the duty station, you can call the installation's locator, which can be provided to you by the installation's operator. Give the member's name, rank, and social security number, and they will provide you with his unit and a duty phone number. This information will afford you the opportunity to correspond with the member (including using registered or certified mail and return receipt service).
3. You may also contact the legal office at your nearest military installation. They are authorized to assist spouses and legitimate children to obtain a member's unit address.
4. If the member has been reassigned to another base, a copy of their orders is usually maintained at the old unit and you will be able to be advised of the member's next duty station.
5. If all else fails, use the Worldwide Military Locator services. You or the Child Support Enforcement (CSE) Agency for your county or state can forward a letter to one of the following addresses depending on the branch of service of the member. **If the member is stationed overseas or retired only the Child Support Enforcement Agency will be authorized to get the member's address.** The letter will need to have the member's name and social security number.

Air Force

AFPC/MSIMDL
550 C Street, West, Suite 50
Randolph AFB, TX 78150-4752
(210) 659-5774

Army

Army Worldwide Locator
US Army Enlisted Records & Evaluation Center
8899 East 56th Street
Indianapolis, IN 46249-5301
(703) 325-3732

Navy

Bureau of Navy Personnel
Attn: PERS-324
5720 Integrity Drive
Millington, TN 38055
(901) 874-3070

Marine Corps

Headquarters, U.S.M.C.
Personnel Mgmt. Support Branch MMSB-17
2008 Elliot Road
Quantico, VA 22134-5030
(703) 784-3942

Coast Guard

Commandant, US Coast Guard
2100 2nd Street SW
Washington DC 20593-0001
(202) 267-1340

HOW CAN I COLLECT CHILD SUPPORT?

1. **Writing the member's commander.** Once a commander receives a complaint, he/she must actively monitor it until it is resolved. The commander can only punish for *failure to comply*. He or she cannot direct that member's pay be deducted to ensure dependent support, even if a court order exists. They will advise the member that they are expected to pay their financial obligations in a proper and timely manner. In appropriate circumstances, a member's failure to provide regular and adequate support could necessitate administrative or disciplinary action.
2. **Voluntary allotment.** This is a type of an allotment that is completely within the member's control. They may start and stop a voluntary allotment at any time. It is merely a convenience the government offers members to help them pay their monthly obligations. The member starts an allotment by going to the installation Accounting and Finance office and completes a Standard Form 1199. They will need to know the bank account number that the allotment will be deposited in.
3. **Involuntary allotment (mandatory allotment).** If the member continues to refuse to establish child support and there is a court order, the custodial parent can receive pay withheld involuntarily from a member through the use of this method. Involuntary allotments are entirely different than voluntary allotment.

INVOLUNTARY ALLOTMENT PROCEDURES

There are two prerequisites that must be met before a statutory allotment is initiated: 1) A court or administrative order establishing a child support obligation, and 2) An arrearage in an amount equal to or greater than two months support under the obligation. Federal law authorizes the pay of active, reserve, and retired members of the military to be garnished for the payment of child and/or spousal support. In order to implement a garnishment against any member of the military, the complainant obtains a written notice from a court or state agency administering the child support program under Title IV-D of the Social Security Act and furnishes it to Defense Finance and Accounting Service (DFAS) at the following address:

**Defense Finance and Accounting Service
Cleveland Center, Code L
PO Box 998002
Cleveland, OH 44199-8002
(216) 522-5301 (customer service)**

COURT ORDER CONTENTS

The order submitted cannot be the divorce decree or other order that directs the member to make the payment. The order must direct the government, as the employer, to withhold moneys and remit payments to satisfy the support obligation. In order for your withholding order to be processed, it must include the member's full legal name and social security number. Other identifying information concerning the member, such as a home or work address, would expedite the processing of the order. Also, please be sure to include your return address on any correspondence, not only on the mailing envelope.

DFAS will then notify the member of the garnishment order. The member may provide information concerning other dependents and status of arrearage. DFAS will normally honor a garnishment order that appears valid. The Air Force has no authority to resolve disputes when a member questions the validity of a court's garnishment order.

PAY SUBJECT TO GARNISHMENT

The pay that is subject to garnishment is the disposable active duty retired or retainer pay: base pay and some special and bonus pay entitlements. Disposable pay excludes BAS, BAH, VHA, BHA or family separation allowances and sums owed the United States, tax withholdings, and government life insurance premiums. VSI and SSB payments are subject to garnishment for enforcement of child support obligations to the same extent as other items of pay.

There are limits on amounts to be garnished. Garnishment cannot exceed what is available under the state or federal law, whichever is less. The federal limits are as follows:

- 50% of disposable pay if member has other dependents and has claimed the other dependents
- 60% if member has no other dependents or has not claimed other dependents

GEORGIA GUIDELINES

The state guidelines for child support were mandated by the “Family Support Act of 1988
The local Child Support Enforcement office can be contacted at:

Child Support Enforcement
92 Cohen Walker Dr.
PO Box 8038
Warner Robins, GA 31095-8038
(478) 988-7700

To determine the amount of child support (**EFFECTIVE 1 JANUARY 2007**) according to O.C.G.A. § 19-5-15:

- Both parent’s monthly incomes are added together. Income includes all income from any source before deductions for taxes or child support. Examples include: BAH, BAS, lottery winnings, dividends, severance pay, cash gifts and alimony (as long as the alimony is not being paid by a party to the child support determination). Income does not include any public assistance, federal disability income or employer contributions to healthcare or retirement plans. Non-recurring income (such as bonuses or any extra pay) will also be taken into account by the court determining the child support amount. Further detail on what categories are included or not included in income calculations is located in O.C.G.A. § 19-6-15(f).
- Each parent’s monthly gross income is adjusted by subtracting for child support orders regarding other children and any applicable self-employment taxes (See O.C.G.A. § 19-6-15(f)(5)(A)). Both incomes are then added together to get the combined adjusted income (CAI).
- Locate the CAI on the Georgia Schedule of Basic Child Support Obligations (O.C.G.A. § 19-6-15(o)). Choose the income bracket closest to the CAI and select the appropriate column based on the number of children. This number represents the Basic Child Support obligation.
- Calculate the pro-rata share of each parent by dividing the parents’ adjusted gross income by the CAI to get a percentage. For example, if A’s monthly adjusted gross income is \$1500 and the CAI is \$2500 ($1500 / 2500 = .60$ or 60%) A’s pro-rata share of the child support obligation is 60%. Once the pro-rata share has been determined, multiply the percentage times the Basic Child Support Obligation. For example, if A has one child and the CAI is \$2500, then the Basic Child Support Obligation according to the Georgia Schedule is \$528. Multiply \$528 times 60% or .60 to calculate A’s portion of the obligation ($\$528 \times 60\% = \316.80).
- Finally, calculate adjusted child support obligation amount by adding the cost of the child’s health insurance and work-related childcare expenditure (must be approved by the court and is not authorized for care provided by parent). This amount will be divided between the parents in accordance with their pro-rate share of the obligation. Using the previous example, if

A's child's health insurance and child care costs are \$400 per month, then A will have to pay for 60% of those costs or \$240 per month. This amount is added to A's Basic Child Support Obligation so A's Presumptive Amount of Child Support will be $\$316.80 + \$240 = \$556.80$ per month.

- Health insurance cost is added to the calculation even when it is being deducted from a parent's income. Employer contributions are not counted and only the cost of health care for the child should be considered. If the health care deduction is unable to be separated into a specific amount for the child, the child's share will be determined by dividing the monthly premium by the number of people insured under the policy. Uninsured medical costs are not calculated in the child support calculations but payment of those costs will be provided for in the Final Child Support Order.
- In a split parenting situation, support is calculated separately for each parent and separate Final Child Support Orders are entered for each parent.
- In situations where a parent is unemployed, a court can find that parent to be willfully and voluntarily unemployed and enter an order for child support against them that is generally calculated from that parent's earning potential or minimum wage times 40 hours a week. However, this determination will not be made for the interim period for a parent activated but not yet on the rolls for the National Guard or other armed forces unit or who enlists or is drafted for full-time service in the United States armed forces.
- These calculations are computed on a worksheet that will be attached to the Final Child Support Order.
- The award is for a minimum of two years unless one of the situations in O.C.G.A. § 19-5-15(k)(2) occurs (non-custodial parent getting more or less visitation or loss of employment by a parent). After the two years, the award will not be modified unless there is a substantial change in circumstances.

There is a link to a child support calculator formatted in Microsoft Excel at the Office of Child Support Services Official Web site:

<http://ocse.dhr.georgia.gov/portal/site/DHR-OCSE/>

Other factors the court may take into account to allow variations of the amount include:

- High Income (in excess of \$30,000/month, the obligation will be set at highest available bracket on the Georgia Schedule of Basic Child Support Obligation but may be adjusted higher by court)
- Low income
 - If a parent makes less than \$1850 per month, they may request a low income deviation. The court will subtract a \$900 living "reserve" from the parent's adjusted gross monthly income. If the amount leftover is not sufficient to pay that parent's pro-rata share

of the child support obligation, the court can adjust the amount.
The minimum monthly support payment is \$75.

- Other health related insurance (reasonable dental or vision coverage)
- Child and dependent care tax credit (if one parent is entitled to this, the court may adjust other parent's obligation in consideration of this credit)
- Travel expenses (if one parent must travel substantial distance, the court may decide to allocate some expenses to that parent by subtracting from obligation)
- Alimony (payment of alimony to child's parent may be a basis for reduction of obligation)
- Mortgage (if non-custodial parent provides home for child and custodial parent at no cost to custodial parent, court may reduce obligation in consideration of this)
- Permanency plan or foster care plan (if the child is in the custody of the state, the court may reduce obligation to allow parents to get in a financial position to recover custody of the child)
- Extraordinary expenses (educational, medical, or certain activity-related or general child-rearing expenses out of the ordinary may be a basis for increasing the obligation)
- Parenting time (when the child resides with both parents equally or close to equal amounts of time, the court may reduce the obligation of the non-custodial parent)

For more information, please contact:

Houston County Office of Child Support Services
92 Cohen Walker Drive Suite 2
Warner Robins GA 31088-2829
Phone: 478-988-7700
Fax: 478-988-7727